

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>CITY OF HAWARDEN, d/b/a HITEC | DOCKET NO. 199 IAC 39.2(4) |
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**ORDER DESIGNATING ELIGIBLE CARRIER**

(Issued November 16, 2001)

On October 23, 2001, the City of Hawarden, d/b/a HITEC (HITEC), filed with the Utilities Board (Board) a request for universal service eligible carrier status in Iowa. HITEC asks that the Board designate HITEC as an eligible telecommunications carrier (ETC) pursuant to 199 IAC 39.2(4). In order to receive support from the Universal Service Fund as defined by 47 U.S.C. § 254, a carrier must be designated as an ETC by the Board.

In order to make that designation, the Board must determine that a carrier meets certain service requirements. The carrier must:

- 1) Offer the services supported by the federal universal service fund;
- 2) Offer the services using its own facilities or a combination of its own facilities and resale of the facilities of another carrier;
- 3) Advertise the availability of the supported services; and
- 4) Offer the services throughout its designated service area.

In its request for designation, HITEC states that it satisfies each of the four requirements. Based upon that unopposed representation, the Board finds that HITEC offers the services supported by the federal Universal Service Fund, using its own facilities or a combination of its own facilities and resale of the facilities of another carrier. The Board finds that HITEC advertises and offers the services throughout its service area, which will be its designated service area for purposes of the Universal Service Fund.

In the cover letter accompanying its request for designation, HITEC states that it currently meets, and (during the relevant time period) has always met, all of the qualifications for receiving Universal Service Funds. Moreover, information available on the Universal Service Administrative Corporation (USAC) web site indicates that HITEC has received universal service support from July 1, 2001. In essence, HITEC asks that the Board find that HITEC met the ETC certification requirements back to that date, so that HITEC may not have to refund any payments to USAC for the period July 1, 2001, to the date of this order.

The Board understands that HITEC's certification of compliance with the eligibility standards of 199 IAC 39.2(4) covers the time period back to July 1, 2001, as well as the future. Based upon that understanding, the Board will find that HITEC met the ETC certification requirements back to that date.

Finally, the Board notes that HickoryTech, the incumbent local exchange carrier in the Hawarden exchange, is currently obligated to disaggregate its universal

service support, pursuant to the FCC's Rural Task Force Order<sup>1</sup> and the Board's orders in Docket No. USP-00-2, Re: Disaggregation Of Federal High-Cost Support For Rural Carriers. At least one of the disaggregation options would not be available to HickoryTech if HITEC were certified as having ETC status at the time the FCC's disaggregation rules became effective. However, the FCC rules became effective on June 21, 2001, so Board recognition of HITEC's certification that it met the requirements for ETC status as of July 1, 2001, will not affect HickoryTech's options for disaggregation of federal universal service support.

**IT IS THEREFORE ORDERED:**

1. Eligible telecommunications carrier status is granted to the City of Hawarden, d/b/a HITEC, as requested on October 23, 2001. The designated service area shall be the service area established in HITEC's certificate of public convenience and necessity, issued pursuant to Iowa Code § 476.29 (2001).

2. Based upon HITEC's certification that it complied with the eligibility standards of 199 IAC 39.2(4) from July 1, 2001, the Board finds that HITEC met the ETC certification requirements back to that date.

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<sup>1</sup> Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 00-256, Report and Order, 16 FCC Rcd 11244 (released May 23, 2001).

3. The Executive Secretary of the Board shall mail copies of this order to HITEC, the Universal Service Administration Company, the FCC Universal Service Branch, and the FCC Office of the Secretary.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper \_\_\_\_\_  
Executive Secretary

Dated at Des Moines, Iowa, this 16<sup>th</sup> day of November, 2001.